

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

**Cheetah Omni LLC,**  
a Texas Limited Liability Company,

Plaintiff,

vs.

**Alcatel-Lucent USA Inc.**, a Delaware corporation, **Alcatel-Lucent Holdings, Inc.**, a Delaware corporation, **Ciena Corporation**, a Delaware corporation, **Ciena Communications, Inc.**, a Delaware corporation, **Fujitsu Network Communications, Inc.**, a California corporation, **Tellabs, Inc.**, a Delaware corporation, **Tellabs Operations, Inc.**, a Delaware corporation, **Tellabs North America, Inc.**, a Delaware corporation, **Nokia Siemens Networks US LLC**, a Delaware corporation, **Huawei Technologies USA, Inc.**, a Texas corporation, **Huawei Device USA, Inc.**, a Texas corporation.

Defendants.

Honorable Leonard Davis

Case No. 6:11-cv-390

**STIPULATION TO STAY**

Plaintiff Cheetah Omni LLC (“Cheetah”) and Defendants Alcatel-Lucent USA Inc., Ciena Corporation, Ciena Communications, Inc., Fujitsu Network Communications, Inc., Tellabs, Inc., Tellabs Operations, Inc., Tellabs North America, Inc., and Nokia Siemens Networks US LLC (collectively “Defendants”) jointly stipulate to the stay of all claims in this lawsuit related to U.S. Patent Nos. 6,847,479 (“the ’479 patent”) and 6,888,661 (“the ’661 patent”). On November 19, 2012, the Eastern District of Michigan entered an order enjoining Cheetah “from prosecuting the ’661 and ’479 patents in the Texas action.” (Nov. 19, 2012 Order, attached hereto as Ex. A.) Accordingly, the Parties hereby stipulate to a stay of all

proceedings in the Eastern District of Texas related to the '661 and '479 patents until such time as the injunction may be lifted.

Dated: December 3, 2012

Respectfully submitted,

By: /s/ Thomas A. Lewry

/s/ Robert D. Leighton (with permission)

Thomas A. Lewry (MI Bar No. P36399)  
(Lead Attorney)  
John S. Le Roy (MI Bar No. P61964)  
Robert C.J. Tuttle (MI Bar No. P25222)  
John M. Halan (MI Bar No. P37616)  
John R. Buser (MI Bar No. P64758)  
Christopher C. Smith (MI Bar No. P73936)  
**Brooks Kushman P.C.**  
1000 Town Center, 22<sup>nd</sup> Floor  
Southfield, Michigan 48075-1238  
Tel: (248) 358-4400 – Fax: (248) 358-3351  
Email: tlewry@brookskushman.com  
jleroy@brookskushman.com  
rtuttle@brookskushman.com  
jhalan@brookskushman.com  
jbuser@brookskushman.com  
csmith@brookskushman.com

T. John Ward, Jr. (TX State Bar No.  
00794818)  
Jack Wesley Hill  
**Ward & Smith Law Firm**  
111 W. Tyler St.  
Longview, Texas 75601  
Tel: (903) 757-6400 – Fax: (903) 757-2323  
Email: jw@jwfirm.com  
wh@jwfirm.com

Eric Miller Albritton  
**Albritton Law Firm**  
PO Box 2649  
111 West Tyler, 75601  
Longview, TX 75606  
Tel: (903) 757-8449 – Fax: (903) 758-7397  
[ema@emafirm.com](mailto:ema@emafirm.com)

*Attorneys for Plaintiff Cheetah Omni LLC*

James P. Bradley  
Attorney-in-Charge  
Texas Bar No. 02826000  
Email: jbradley@sidley.com  
Mark Dodd  
Texas Bar No. 24040815  
Email: mdodd@sidley.com  
**SIDLEY AUSTIN LLP**  
717 N. Harwood, Suite 3400  
Dallas, Texas 75201  
Tel: (214) 981-3306  
Fax: (214) 981-3400

Richard F. O'Malley  
Lisa A. Schneider  
Robert D. Leighton  
**SIDLEY AUSTIN LLP**  
One South Dearborn  
Chicago, IL 60603  
Tel: 312-853-7000  
Fax: 312-853-7036

*Attorneys For Defendants Tellabs, Inc.,  
Tellabs Operations Inc., and Tellabs North  
America, Inc.*

**AND on behalf of:**  
Alcatel-Lucent USA Inc.,  
Fujitsu Network Communications, Inc.,  
Ciena Corporation and  
Ciena Communications, Inc., and  
Nokia Siemens Networks US LLC.

**CERTIFICATE OF CONFERENCE**

Pursuant to LR CV-7(i), on November 30, 2012 counsel complied with the meet and confer requirement in Local Rule CV-7(h) and this Stipulation to Stay is unopposed.

/s/ Thomas A. Lewry

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3).

/s/ Thomas A. Lewry